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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,122	11/13/2006	Jani Vare	886A.0015.U1(US)	4094
10948	7590	01/03/2011	EXAMINER	
Harrington & SMith , Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484			VLAHOS, SOPHIA	
			ART UNIT	PAPER NUMBER
			2611	
			MAIL DATE	DELIVERY MODE
			01/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,122

Applicant(s)

VARE ET AL.

Examiner

SOPHIA VLAHOS

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,8,13,17 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,13 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/16/2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to independent claims 1, 7, 13, 17 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 7-8, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanwood et al. (U.S. 7,197,022) in view of Mecklenbraucker (U.S. 7,106,705).

With respect to claim 1, Stanwood et al. disclose: decoding in a receiver transmission parameter information signaling data from a signal (Fig. 8, structure of downlink subframe 124 transmitted from a base station to one or more terminals and Fig. 9 exemplary downlink map structure, see column 10, lines 27-47 and column 1, lines 29-33. Column 11, lines 31-67 through lines 1-2 of column 12 disclose that the DIUC entries of the downlink map 123 indicate the downlink PHY mode (modulation and FEC). Therefore at a terminal the DIUC is decoded to the appropriate downlink modulation and FEC.) the signal including the transmission parameter signaling data on a level different than a level on which service information is included (Fig. 8, signal 125 which includes "DL MAP" is part of frame control header 125 whereas downlink data (the downlink data corresponds to the claimed service information) is part of data portion 121. Column 9, lines 26-27, column 10, lines 48-64); determining from the decoded transmission parameter signaling data if the signal carries time-sliced elementary streams (column 11, lines 59-65 where the DIUC described the beginning of TDM portions and subsequent transitions of the TDM portion 122 (corresponds to the claimed time-sliced elementary streams); and determining from the decoded

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transmission parameter signaling data whether the signal has a forward error correction framing structure (TDM FEC).

Stanwood et al. do not expressly disclose: the transmission parameter signaling data on a lower level than a level on which service information is included.

In the field of implementing transmission protocol, Mecklenbraucker et al. discloses: the transmission parameter signaling data on a lower level than a level on which service information (interpreted to correspond to data) is included (Fig. 2, column 4, lines 51-61 Layer 1 is where bit transmissions take place and Layer 2 is the data link layer).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the system of Stanwood et al. based on Mecklenbraucker et al. to use a layer model commonly used in radio communications (Mecklenbraucker et al. , column 4, lines 51-61).

With respect to claim 2, Stanwood et al. further discloses: comprising disregarding the signal in response to determining that the signal does not carry time-sliced elementary streams (Fig.12 case when TDMA is used for all the downlink data 121 (compared to Fig. 8 frame which includes TDM and TDMA portions). Column 12, lines 32-59. Lines 53-56 disclose that each terminal receives information on when their preamble 106 would be transmitted and disregards the portion of the signal that is not assigned to it).

Claims 7-8, 13, 17 are ejected based on a rationale similar to the one used to reject method claims 1-2 above.

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of the record fails to teach or suggest alone or in combination: Apparatus configured to form a signal for transmission, the apparatus being further configured to form transmission parameter signaling data signal, the transmission parameter signaling data signal comprising a predetermined number of data bits defined over consecutive orthogonal frequency division multiplex symbols, the data signal comprising at a predetermined location a group of two information bits having a state dependent on whether a signal to which the data signal relates carries time-sliced elementary streams having a forward error correction framing structure, as recited in claim 25 and in combination with the other elements of the claim.

Claim 25 is allowed over the prior art of the record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pekonen (U.S. 7,130,313) discloses a DVB transmitter transmitting time-slice information in a lower layer protocol packet header (Fig. 22)(Reference is available as a 35 U.S.C. 102(e) by "another").

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOPHIA VLAHOS whose telephone number is (571)272-5507. The examiner can normally be reached on MTWRF 8:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on 571 272 3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SOPHIA VLAHOS/
Examiner, Art Unit 2611
12/29/2010

/CHIEH M FAN/

Supervisory Patent Examiner, Art Unit 2611

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